

Notice of Allowability

Application No.

10/789,603

Examiner

Dan Washburn

Applicant(s)

GERY ET AL.

Art Unit

2628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 10/4/06.
2. ☒ The allowed claim(s) is/are 1,4-12 and 14-19.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20061114.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with D. Kent Stier on Friday November 10, 2006 at 3:30 p.m. See the Examiner Initiated Interview Summary sheet for a summary of the general substance of the interview.

The application has been amended as follows:

Claim 1 (lines 7-9):

...in response to receiving the call, determining whether the application program is configured for use with the display device having one of the following: ~~the~~ a lower pixel density and ~~the display device having~~ a higher pixel density, wherein determining...

Claim 2: Please cancel claim 2.

Claim 4 (line 1):

The method of claim-~~2~~1, further comprising in...

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

The prior art does not describe examining a property of the application program to determine a software development kit version number against which the application program was compiled wherein the version number corresponds to a pixel density support level of the application program, and determining that the application program is configured for use with the display device having the higher pixel density if the version number is one of the following: greater than a predetermined value and equal to the predetermined value, and determining that the application program is configured for use with the display device having the lower pixel density if the version number is less than the predetermined value.

The closest prior art (Ward et al. US 6,670,964) describes scaling the resolution of a program to match the resolution of a monitor (column 2 lines 17-45). However, Ward doesn't describe examining a property of the application program to determine a software development kit version number against which the application program was compiled wherein the version number corresponds to a pixel density support level of the application program.

Another piece of prior art (Lange et al. US 6,982,729) describes determining the current resolution of a display device and then scaling the image to be displayed in order to display the image at the correct size (column 2 lines 23-28). However, Lange doesn't describe examining a property of the application program to determine a software development kit version number against which the application program was

compiled wherein the version number corresponds to a pixel density support level of the application program.

Another piece of prior art (Donaldson et al. US 2002/0199180) describes a system and method of providing compatibility between a software module and an electronic device. The electronic device accesses the development tools version information to determine if the software module requires access to network resources, accesses or uses expansion cards, and has a preferred screen depth (paragraphs 0005, 0008, and 0021). However, Donaldson doesn't describe examining a property of the application program to determine a software development kit version number against which the application program was compiled wherein the version number corresponds to a pixel density support level of the application program.

Finally, another piece of prior art (Furtney et al. US 5,579,509) describes multiple components within a system, where each component is associated with a version identifier. A software component will only interact with other software components if the software version number of the other software components is greater than or equal to a minimum software version requirement, as dictated by the first software component (column 2 lines 30-56). However, Furtney doesn't describe examining a property of the application program to determine a software development kit version number against which the application program was compiled wherein the version number corresponds to a pixel density support level of the application program.

Claims 7 and 18 describe a computer-readable storage medium having computer-executable instructions stored thereon which, when executed by a computer,

will cause the computer to perform the method of claims 1 and 14, respectively. These claims are statutory, as the specification has specifically described that computer-readable storage media is separate and distinct from a propagated signal on a carrier readable by a computing system (specification, page 5, lines 21-27).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Washburn whose telephone number is (571) 272-5551. The examiner can normally be reached on Monday through Friday 8:30 a.m. to 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ulka Chauhan can be reached on (571) 272-7782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2628

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DW

DW

11/14/06


ULKA CHAUHAN
SUPERVISORY PATENT EXAMINER